

Applicant's Guide
to the
State Historic Preservation Act



What are historic and archeological resources?

New York has a rich archeological, historic, architectural and cultural heritage from the campsites and lodges of the early Native Americans, through the colonial settlements and expansion of agriculture and transportation, to the industrial and modern age. Throughout exploration, growth, wars and change, the state has been home to a wide variety of ethnic groups, each of which brought its own heritage, lifestyle and architecture to enhance the character of the region. The tangible remains of this rich heritage, both above and below ground, are New York State's historic and archeological resources.

In 1980, the New York State Legislature enacted the State Historic Preservation Act (SHPA) to preserve our irreplaceable historic and archeological resources as a living part of New York's communities. The Office of Parks, Recreation and Historic Preservation (OPRHP) has oversight of this program.



SHPA provides for the preservation of areas that are of significance in the:

- ❖ History
- ❖ Architecture
- ❖ Archeology
- ❖ Culture

of this state, its communities or the nation.

These may include:

- ❖ Buildings or other structures
- ❖ Historic districts made up of a number of structures, or sites
- ❖ Areas or sites including underground or underwater sites
- ❖ Objects

Some, but not all, of the places or buildings that trigger SHPA review are already listed on the State Register or National Register of Historic Places.



What do historic and archeological resources have to do with my application for a DEC permit?

Under the provisions of SHPA, state agencies must evaluate projects that they fund or regulate by **permit** to determine if these projects will have an impact on historic or archeological resources.

In DEC, the review of applications and issuance of permits for a number of permit programs is governed by the Uniform Procedures Act. Under Uniform Procedures, a project's effect on historic and archeological resources is evaluated, and an application may not be declared complete until these impacts have been examined. An application must be complete before DEC staff can review it and make a permit decision.



What will I have to do?

If your project is subjected to SHPA, you will receive a **Structural-Archeological Assessment Form (SAAF)** with your application package. You will be required to fill out Part 1 of the SAAF and submit it with the completed application for your DEC permits. Instructions for completion of the SAAF are included on it.

If the answers on this initial assessment form indicate that there **may be** historical or archeological resources present that may be impacted, you will need to do a **Stage I Survey**.



What is a Stage I Survey?

The survey will involve two parts:

- ❖ A literature search to evaluate what is already known about resources in the project area, and
- ❖ A field investigation to more precisely determine if there are historic or archeological resources on site and if the location of these resources is in an area that the proposed project will disturb.

If the Stage I Survey indicates that there **are** cultural resources at the site that may be impacted by the project, then you must do a **Stage II Survey** to assess their importance.



What is a Stage II Survey?

Stage II focuses specifically on the resources identified in Stage I:

- ❖ Intensive field work at the precise locations is done to determine the boundaries, integrity and significance of the cultural resources.
- ❖ If the resources are significant, and will be completely or partially destroyed by the project, a thorough exploration of reasonable project alternatives must be done.

Stage I and Stage II must be concluded and evaluated before the application for a permit can be declared complete.

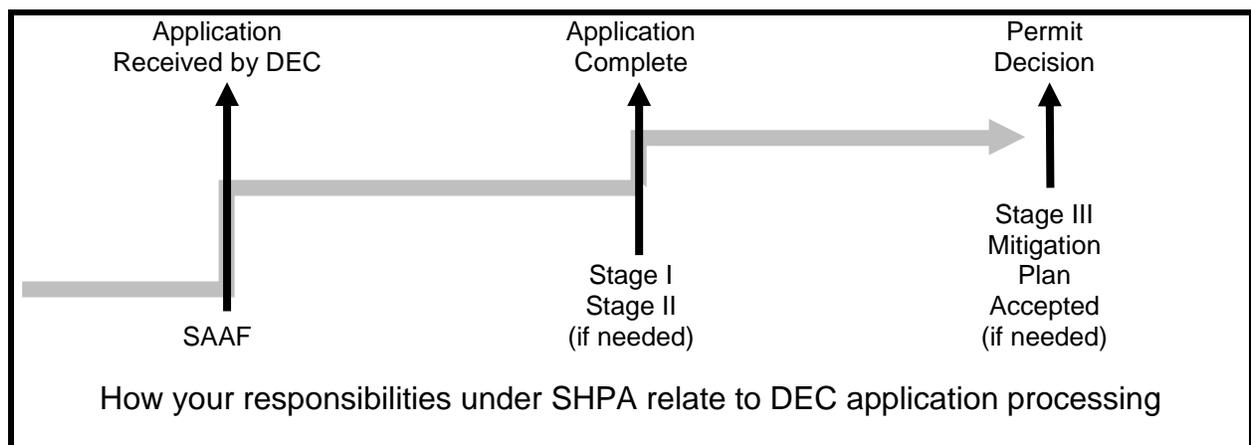
If the evaluation of the Stage I and II Surveys and discussion of project alternatives indicate that the impacts to historic or archeological resources cannot be avoided, you must do a **Stage III Survey**.



What is a Stage III Survey?

This stage consists of the design and implementation of an acceptable plan to mitigate the resource destruction that would be caused by the proposed project. This plan must be designed to ensure that all the important information that can be obtained from the site has been gathered prior to its destruction by the undertaking of the project. The plan must be submitted and approved before DEC can issue a permit.

If the permit is issued for the project, the conditions of the permit will require that the mitigation plan be completed before any land clearing or project construction that would destroy historic or archeological resources can be started.





How can I do the required survey if I know nothing about archeology or historic preservation?

The Division of Environmental Permits will provide you with survey guidelines and a reporting format, developed jointly by DEC and OPRHP, that should be followed to ensure that the reports submitted contain all the information required. You may need to hire a consultant, who can also assist you in the design and implementation of a mitigation plan, if one is required.



Is anyone else involved in evaluating the project under the requirements of SHPA?

DEC consults with OPRHP on a particular project when Stage II Survey work has been completed. OPRHP:

- ❖ Makes the determination of significance the resources discovered;
- ❖ Evaluates the impact of the proposed project on these resources;
- ❖ Makes recommendations to DEC regarding avoidance or mitigation of the impacts;
- ❖ Makes recommendations for a mitigation plan if the project cannot be modified to avoid impacts to the resources.



Is it possible to get a DEC permit if there are historic or archeological resources on the property?

Yes, it is. Most projects can go forward **provided** all of the following conditions are met:

- ❖ Your projects meets all other DEC permit requirements;
- ❖ Your project is modified as much as possible to avoid any negative impacts to historic or archeological resources;
- ❖ If negative impacts cannot be avoided through modification, a plan is developed, approved and carried out to adequately mitigate the effects of your project on the resources of concern.



For more information about DEC's permitting programs, contact DEC's Division of Environmental Permits. Refer to DEC's website, <http://www.dec.ny.gov/about/39381.html>.

You may also explore OPRHP's Cultural Resource Information System (CRIS) on OPRHP's website, <http://nysparks.com/shpo/online-tools/>.